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SUBJECT: MACEDONIA: INPUT FOR OSCE HUMAN DIMENSION
IMPLEMENTATION MEETING

REF: SECSTATE 60838

¶1. (SBU) In response to the request for information on Macedonia's commitment to human rights and fundamental freedoms for the OSCE's annual Human Dimension Implementation Meeting (reftel), Post offers the following summary of progress in areas of democratic development, human rights, religious freedom and trafficking in persons. End Summary.

Democratic Development

¶2. (SBU) Although Macedonia's 2006 parliamentary elections were judged to have met international standards, this year's early parliamentary elections on June 1 were marred by fraud and violence. Commendably, the State Electoral Commission (SEC) decided to broadly re-run elections in polling stations that were closed or in which fair voting did not take place due to violence, intimidation and/or credible complaints of serious irregularities. The SEC review of political parties' appeals, though time-constrained by law, was positively viewed as allowing for a wide range of re-voting in polling stations that experienced serious electoral fraud. The Supreme Court, however, overturned the SEC's decision to re-run 11 polling stations. The Court offered no justification for its findings, even in cases in which voter turnout at some polling stations exceeded 95%, and in which international observers noted serious irregularities.

¶3. (SBU) The June 15 re-runs of the parliamentary elections were conducted in a substantially improved security environment, and professional and effective conduct of law enforcement authorities prevented serious incidents of violence. The re-runs also were marked, however, by serious irregularities in a number of polling stations, including ballot stuffing and organized group, family, and proxy voting.

¶4. (SBU) The GoM must continue to investigate vigorously, prosecute and appropriately sanction those found to have perpetrated election fraud. The GoM also must work to extract and apply lessons learned from these flawed elections in order to prevent similar occurrences during next year's presidential and local elections. Among those lessons is that partisan staffing of institutions (e.g. MoI, local election boards) is a systemic flaw requiring rapid unwavering systemic remedy.

Human Rights

15. (SBU) Macedonia has made progress with respect to the protection of human rights in recent years. Tensions between ethnic Macedonian and ethnic Albanian populations have steadily decreased over the past several years. Incidents of inter-ethnic disputes in schools decreased for the third consecutive year. In 2007, the Government upgraded the "sector" for the implementation of the Ohrid Framework Agreement to a "secretariat" with greater authority and more personnel, and markedly increased its budget. This was symbolically positive even though most jobs were assigned for party patronage reasons and funding similarly allocated. To meet the criteria for NATO membership outlined in the Membership Action Plan, Macedonia quickly passed a number of laws related to easing of inter-ethnic tensions in late 2007, but made only limited progress towards ensuring equitable representation of ethnic minorities in state authorities. The new government, likely to be formed by the end of July 2008, must redouble efforts to increase ethnic minority representation in the public administration. A key element will be not just numbers but that such efforts conform to impartial professional recruitment standards and are conducted transparently as to advertising positions and selecting successful candidates.

16. (SBU) Police abuse of suspects continued to be a problem and there were allegations of police harassment of ethnic minorities. The most widely noted incident involved the "Mountain Storm" police operation in the village of Brodec, which resulted in several arrests of suspected criminals. Brodec residents claimed that those arrested were innocent,

SKOPJE 00000399 002 OF 003

and were in fact victims of ethnic discrimination. Video footage of Brodec detainees showed evidence of serious injuries sustained by a suspect during the arrest and/or investigation process, prompting a formal exchange between the Embassy and the Ministry of Interior (MoI). The MoI's Sector for Internal Control and Professional Standards undertook an immediate investigation and suspended officers involved in the incident.

17. (SBU) Societal discrimination against ethnic minorities, particularly Roma, continues to be a problem. Roma NGOs report that instances of direct attacks against Roma have diminished significantly, but discrimination and serious imbalances in access to education and governmental services persist. The GoM has done very little to implement its commitments under the "Decade of the Roma" program.

Religious Freedom

18. (SBU) The GoM is in the process of implementing a new Law on Religious Groups and Communities (Law on the Legal Status of Churches, Religious Communities, and Religious Groups, passed in September 2007 and entered into force in May 2008). The new law strengthens religious freedom provisions and eliminates previous legal restrictions on the registration of religious communities and organizations. The law's registration requirements are in line with international standards, a departure from the previous law which prohibited the registration of more than one organization from each religious confession.

19. (SBU) While the new law liberalizes the process of registration of religious groups and communities, the GoM must ensure that the implementation of the law does not result in bias or preferential treatment for any religious group or community. Bias in implementation of the law (which is unclear in its use of the terms "community" and "group") could allow for unequal treatment of leaders and members of the "Orthodox Archbispopric of Ohrid," a Serbian Orthodox Christian group which clashes with the Macedonian Orthodox

Church over issues of autocephaly, as well as the Bektashi community, a Muslim sect which faces challenges, including difficulties in having its property disputes with the Islamic Community of Macedonia heard in court.

¶10. (SBU) Additionally, recent GoM actions raise questions about its willingness to uphold the constitutional separation of church and state. The GoM, in a closed-door session in January 2008, decided to fund the construction of an Orthodox church on the main city square in Skopje. Following protests by Islamic civic associations and NGOs, the decision was broadened to include the reconstruction of a mosque in the nearby city of Tetovo. Still others opposed any state-sponsored construction of religious facilities irrespective of the faith involved, citing church/state separation. A clear separation between church and state also comes into question in the Government's plans to bring religious education to the public schools for the 2008-2008 academic year. Amendments to the Law on Education, which would allow for optional single-faith religious education, are under review by the Constitutional Court.

Trafficking in Persons

¶10. (SBU) Macedonia has made notable progress in recent years in combating trafficking in persons, evidenced in its ranking as a "Tier 1" country by G/TIP in the 2008 Trafficking in Persons Report. Macedonia made marked progress toward eliminating trafficking with commendable efforts in identifying and protecting victims of trafficking, prosecuting traffickers, and preventing trafficking.

¶11. (SBU) The GoM aggressively prosecuted trafficking cases, increasing the number of traffickers convicted, and introduced new TIP-related criminal categories with stricter penalties. The GoM considerably increased its efforts to identify trafficking victims and identified 249 victims in

SKOPJE 00000399 003 OF 003

2007, up from 17 in 2006. Government-provided assistance included shelter, legal and medical assistance, witness protection, psychological assistance and vocational training.

The Macedonian Government also implemented an anti-trafficking plan, providing financial support for NGOs conducting anti-trafficking prevention and awareness-raising, including efforts to educate clients on the health and legal risks of commercial sex. Macedonian officials at all levels of government participated in anti-trafficking awareness campaigns. The GoM must continue to build on its strong and effective inter-agency network and vigorous efforts in areas of prevention, protection, and prosecution in order to maintain its Tier 1 status for 2009.

Milovanovic